No. 91-1915

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In The Supreme Court Of The United States

OCTOBER TERM, 1991

JEFFREY MICHAEL STEINGOLD,

Petitioner,

v.

BRENDA BEALE STEINGOLD,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Jeffrey M. Steingold
Counsel of Record
Post Office Box 11775
Richmond, Virginia 23230
(804)358-4818

Counsel for Petitioner

LAWYERS PRINTING COMPANY 7th & Franklin Bldg. Richmond, Virginia 23219 (804) 648-3664

QUESTIONS PRESENTED

1. Can a judge arbitrarily disregard citizens' Civil Rights in violation of the Constitution of the United States by predicating his order of award to a party to a legal action based upon his own religious preference and beliefs?

2. Can the Florida judicial system legally deny United States citizens access to its judicial system?

3. Can a court of the Florida judicial system rule upon a foreign will and trust therein which was executed and probated in a foreign state, without having the will subject to its jurisdiction?

4. Can a court of the Florida judicial system rule upon a will and trust of a foreign citizen probated in a foreign state without having

jurisdictionally before it necessary and indispensable parties including the executor of the will, the trustee of a trust therein, and contingent beneficiaries to the contingent trust?

5. Can judges use the Florida judicial system in conspiracy to further their private enterprise by using the judicial system to deny United States citizens of their Constitutional Rights of Due Process?

6. Can judges of the Florida judicial system deny United States citizens Freedom of Access to the Judicial System and courts therein to prevent citizens from protecting and preserving their property rights?

7. Can judges of the Florida judicial system, in order to cover up their blatant, oppressing and unconstitutional rulings, withdraw the

entire trial proceeding transcripts so that the Petitioner cannot be privy to testimony therein that would favor his position for appeal?

LIST OF PARTIES

The parties are the Petitioner, Jeffrey M. Steingold, and the Respondent, Brenda Beale Steingold.

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Certiorari should be granted for two reasons: Though the subject matter of the appeal to the Florida Supreme Court was based upon the issues of violations of First Amendment Rights of Separation of Church and State including violations of Due Process, and upon the denial of Constitutional Access to the Courts, that court refused to hear and based its ruling upon the fact that the lower court did not determine the fact that the lower court did not determine the constitutionality of a state statute. The opinion of the court below conflicts with all previous decisions of this court, and the issues are of great public importance.

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PETITION FOR A WRIT OF CERTIORARI
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OF APPEALS FOR THE FOURTH CIRCUIT

The Petitioner, Jeffrey Michael Steingold, respectfully prays that a Writ of Certiorari be issued to review the judgment and opinion of the Nineteenth Judicial Circuit of Florida, the Fourth Circuit Court of Appeals of Florida, the refusal of the Supreme Court of Florida to grant his appeal, as the issues joined are matters of great and immediate public importance,

violations of individual Constitutional rights of Due Process and Separation of Church and State and Access to the Courts and if not addressed here and now will destroy and disseminate the system of jurisprudence of all fifty sovereign states in direct defiance and contradiction of the Constitution of the United States of America.

OPINIONS BELOW

The Final Judgment of the Circuit Court of the Nineteenth Judicial Circuit in and for Martin County, State of Florida, is attached hereto, said Judgment being entered on May 29, 1990, which is reprinted in the Appendix hereto, p. 1a, infra.

That an appeal was filed with the Fourth District Court of Appeals of Florida, but they refused to hear the same, see Appendix, p. 37a, infra.

Immediately thereafter an appeal was filed with the Supreme Court of Florida, which refused to hear the same.

From that appeal, Petitioner appealed for reinstatement to the Supreme Court of Florida. After a denial thereof, see Appendix, p. 46a, infra, Petitioner filed his appeal with this Supreme Court of the United States of America, see Appendix, p. 47a, infra.

JURISDICTION

The Supreme Court of Florida in its Order of Denial of appeal entered March 19, 1992, held that Petitioner could not be heard on his appeal because the lower court did not rule on the constitutionality of a Florida statute as being unconstitutional.

Further, a material fact pertaining to the Virginia long-arm statute, Virginia Code Section 8.01-328.1, fully

described in the original pleadings that "the Respondents furthered their conspiracy and extortion of Petitioner by registering their Florida judgment in the Commonwealth of Virginia, Circuit Court of the City of Virginia Beach, Virginia, and are proceeding and pursuing within that Commonwealth." This quite obviously makes them subject to service of process and subject to the Virginia judicial system and jurisdiction.

The Court further erred by failing to realize that every day judges are being arrested for stealing, extorting, conspiring and taking bribes of funds and property from fellow conspirators. They are, in fact, subject to criminal liability and prosecution as well as civil liability by their substantive extra-judicial rulings to perfect their

illegal and unconstitutional actions.

It is blatantly clear that the lower court judge erred by overlooking the entire pleading of Petitioner as to the Florida judge's ruling of the vesting of a Virginia trust pursuant to a Virginia will containing the Virginia trust, and without having the Virginia executor of the will, the Virginia trustee of the Virginia trust, and the beneficiaries before him. See Forrest v. White, 484 U.S. 227-229 108 S.Ct. 544-545 Stump v. Sparkman, 435 U.S. 360 98 S.Ct. 1106. Judges are not immune when they rule on issues that are complete in absence of all jurisdiction. See 98 S.Ct. 1104-1105, Bradley v. Fisher, 13 Wall 351, in their descent of justice, Stephens, Scalia and Kennedy, wherein they state that the law is well settled that one state or division

therein cannot rule upon and subject property thereto nor can one state court determine the rights of necessary parties whose rights are affected unless they are legally before that court, see Greisman v. Strapiro, Supreme Court Practice 281, 6th Ed. 1986, and quoting Schweiker v. Hansen, 450 U.S. 785, 791, 101 S.Ct. 1468, 1472, 67 L ed. 2 685 (1981).

The ruling of the Florida courts are so extraordinary that this case may establish a legal precedent in the State of Florida and elsewhere that is in total violation of states' sovereignty and individual citizens' constitutional rights. Virginia may grant constitutional full faith and credit to the decree thereby affecting all states' sovereignty if this ruling is not overturned. The Florida court judge

made a profound, illegal and unconstitutional ruling that changed the legal sovereignty and rights as guaranteed by the United States Constitution by ruling without having all necessary indispensable parties before the court. See National Malleable & Steel Castings Co. V. Goodlet, 195 F. 2d 8, wherein the close circumstances of this case, the court ruled that the extra-judicial rulings of the lower court could rightfully be ignored by those that it affected.

It is further obvious that the latest ruling of the Supreme Court of the United States, Raymond Mireles v. Howard Waco, 112 Supreme Court Reporter 286, which allowed a California judge to "use excessive force against a citizen for no reason other than he did not appear in the judge's court at the

proper time, and the fact that excessive force was used which humiliated the citizen as well as its outcome could have been devastating, yet the Supreme Court allowed judicial immunity because the citizen sitting on the bench was a judge and had the "power" of a God. The descent pled logic and saneness. This form of tyranny will no longer be tolerated by United States Citizens, as the dissents in this case were well-taken on the split decision of this Honorable Court of four to three. Is the judicial system so intimidated by its own tyranny that it must protect its judges regardless of their unexcusable totalitarian tactics and methods at all costs?

CONSTITUTIONAL AMENDMENTS INVOLVED

1. United States Constitution, First Amendment, Freedom of Religion, of

Speech, and of the Press: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

STATUTES INVOLVED

1. 42 U.S.C. Section 1983.

2. 18 U.S.C. Section 1964 (c).

3. Code of Virginia 1950, as amended, Sections 8.01-45; 8.01-328.1.

4. Florida Rules of Ethics.

STATEMENT OF THE CASE

Brenda Beale Steingold filed action for divorce against Petitioner, Jeffrey Michael Steingold, in 1988, in the Circuit Court of Martin County, Florida, Nineteenth Judicial Circuit, case number 88-782-FR.

During the pendency of suit, Petitioner was a practicing attorney in that jurisdiction but suffered a heart attack and was unable to continue practicing law. He was treated by a physician who ultimately provided testimony at trial that Petitioner, due to his medical infirmity, could no longer carry on the day-to-day functions of his chosen profession. There was further testimony from an independent medical examiner secured by the wife, substantiating and confirming the fact that husband was not able to pursue his profession and that due to his critical medical condition could suffer a fatal heart attack.

Petitioner's father, who lived in Virginia prior to his demise, executed a will and trust therein in favor of his wife, the brother of Petitioner,

Petitioner, as well as Petitioner's children. The trust vesting provision explicitly only vested in Petitioner contingent upon his reaching the age of fifty (50) years. At that time, he had a right to request a portion of the principal thereof. However, if the Petitioner died prior to reaching the age of fifty, his contingent interest would spring over his estate and vest in Petitioner's children living at that time.

After the final hearing, the court entered the divorce Final Judgment on May 29, 1990, noting that Petitioner was forty-nine (49) years of age.

In testimony, the wife stated she converted to the religion of Judaism and became active in the Jewish community and that the parties raised their children in the Jewish faith.

It was stipulated in the evidence that the parties had no other joint marital property or assets other than their home, the husband's law office, the wife's two motor vehicles and the wife's jewelry valued at $30,000.00. The husband had separate property consisting of singular motor vehicle, a small boat that was wholly encumbered due to a loan to pay the mortgage on the joint marital residence, and some other small items of personal property.

During the course of the divorce proceedings, husband filed four motions to have the judges removed from hearing the case due to the judges' obvious prejudice against him. Three of the judges did voluntarily recuse themselves, of whom two of these judges admitted prejudice by doing so. The last judge who entered Final Judgment

against Petitioner refused to be recused even though there was abundant evidence to show that, pursuant to the case law and Code of Florida, he was apprised of the former judge's hostility and position by the prior judge who was recused.

This judge immediately issued orders directing Petitioner to retire his only motor vehicle to the garage at the marital residence and to cease driving the same. He did this as he had already determined that the wife was going to receive husband's vehicle. Petitioner had no other means of conveyance and lived five miles from the nearest grocery store and fifteen miles from his treating physician. The judge had previously been apprised of husband's situation, however, flatly refused to modify his order and

subsequently found husband guilty of contempt of court for driving the vehicle to his doctor's office.

Petitioner attempted on multitudinous occasions to secure dates from the judges to be heard by Motions for Relief on all previous orders against him, including the last, and to reduce or abate the temporary support order, however, a few days prior to each hearing, the judges would arbitrarily cancel with no explanation. PETITIONER NEVER WAS GRANTED OPPORTUNITY TO BE HEARD ON ANY OTHER MOTIONS WHICH HE HAD FILED.

At final hearing, the court allowed a copy of a Virginia will and trust therein to be introduced into evidence without foundation, proof of verification, substantiation or qualification, and ruled by interpre-

tation upon its vesting without having the Virginia res, Virginia will, Virginia executor of the will, Virginia trustee of the trust therein, Virginia beneficiaries of the trust, or contingent beneficiaries of the trust before its jurisdiction.

The court also admitted that it enhanced and increased wife's award because of her religious preference of changing her religion and that the children born of the marriage were raised in accordance with the particular religion of the judge and in a community allegedly based on the religious preference.

In the final decree, the court cited certain facts and more specifically, stated in its recital that "When the parties oldest child was in the third grade, the Wife converted to

the Husband's religion (Judaism) and became active in the Jewish community. The parties children were raised in the Jewish faith."

The court then gave the wife all of the joint marital property owned by the parties including the marital residence valued at $385,000.00, the husband's law office valued at over $150,000.00, the husband's only motor vehicle valued at $33,000.00, $20,201.39 in temporary alimony arrearage which the husband could not pay due to his previous medical condition and inability to work during that period of time (the support was continuing to accrue during the time the court refused to give him a hearing to abate the same); and $100,000.00 of husband's which was his total separate estate received through inheritance.

The court further found that the

Virginia family trust of the Virginia will vested prior to husband's reaching the contingent age of fifty (50) years and the court further stated that "On June 22, 1990, the husband has the right to one-half of the assets of the family trust." The Petitioner was ordered to instruct the trustee of the family trust to pay this $29,201.39 judgment on or before 22, 1990.

The court further awarded wife the sum of $100,000.00 of the husband's aforesaid inheritance money which husband no longer had, and ordered that it shall be a lien against the Petitioner's interest in the family trust.

The court allowed the wife to retain her motor vehicles (3), jewelry, furniture and furnishings and all other property she had captured and taken out

of the state in violation of the original judge's order.

The court further awarded wife attorney's fees which were an astounding $164,000.00. It was later discovered in a subsequent hearing that the original contract between the wife and her attorney was for $100.00 per hour, but toward the end of the lawsuit it was agreed between the court and wife's attorney that the rate be increased per hour to $150.00 WHICH WAS DONE PURSUANT TO AN EARLIER STATEMENT BY A FORMER RECUSED JUDGE PRIOR TO ANY HEARING OF TESTIMONY AS TO PROPERTY ASCERTAINED THAT HUSBAND WOULD PAY WIFE'S ATTORNEY FEES AND COSTS OUT OF HIS TRUST.

Petitioner petitioned the court pursuant to the Rules of Procedure of Florida to enter a supersedeas bond to protect interest in his motor vehicle

that was awarded to wife. Each and every time Petitioner would secure a hearing date, the judge would refuse to allow the hearing to proceed.

The court knew full well that Petitioner's appeal was pending on all issues at the time that husband was requesting protection of his property, but for obvious reasons it continued to refuse to allow hearing on the supersedeas bond. The lower court knew that the appeal court would dismiss the appeal for husband's failure to abide by the lower court order to turn over his vehicle to wife, and the appeal was subsequently denied.

Through unrefuted evidence, Petitioner demonstrated he had a separate special equity of over $60,000.00 towards the purchase of the real property, but again the court

refused to allow husband his right thereto and gave the entire property, including the marital dwelling, to the wife, as seen on page 6a of the Final Judgment, paragraph 11, wherein the court disjointedly states that "The Husband claims a special equity in this home by virtue of monies which he paid for the real property which came from his inheritance. This property was originally purchased and titled as entireties property and remained so titled except for a short period of time when the Husband conveyed it to the Wife in an attempt to evade possible creditors. The evidence presented by the Husband concerning the monies from inheritance is not believable and the Court determines that the Husband does not have a special equity in this property." This statement again shows

the absolute total prejudice and bias and scheme of the court to extract and steal the property from Petitioner as there was absolutely no rebuttal evidence.

The court further ludicrously ordered, when awarding the marital residence to wife, that husband would be responsible for "bringing it back into condition that it was in June of 1988." We must remember that the date of judgment was May 29, 1990.

The court further stated when it awarded husband's motor vehicle to wife, that he would be responsible for any costs of repair to the vehicle to bring it back to first-class mechanical and body condition and that the court retain jurisdiction to enforce the order. The court knew through testimony and documentation that the vehicle was

damaged and had motor difficulties that occurred several years prior to hearing. The court obviously left an open-ended pocketbook for the wife for both the martial residence and the vehicle which it knew husband could not possibly pay (as reprinted in the Appendix at p. 27a and 29a, infra, respectively, of the Final Judgment).

During the pending hearings after final order, the lower court judge issued a capias of arrest against Petitioner full well knowing that Petitioner had no funds to pay the judgment awarded, and that if Petitioner did provide wife with his vehicle, the wife would immediately bring him before the court and before her judge on a motion for contempt for not having the vehicle in "first-class condition" and he would have ultimately been

incarcerated indefinitely and would have died in jail. The wife would have again brought a motion for contempt against Petitioner before that same judge for his inability to pay for restoration of the house and any and all bogus bills that she would have generated to "repair" the same pursuant to the court's Final Judgment. Again, the judge would have had Petitioner incarcerated and he would have died in jail due to his inability to pay for restoration fees. The wife would have Petitioner again brought before the judge on a contempt motion due to his inability and failure to pay her attorney's fees, and he again would have been incarcerated for an indefinite period and would have died in jail because he could not have possibly paid.

The Petitioner, as a result of the

aforesaid, had no choice but to flee the State of Florida as have so many other victims of the conspiracy, for fear of absolute ultimate death from the court and the conspiracy of the judges.

In a subsequent Florida Bar sanction hearing, it was learned that the trial judge had withdrawn the entire divorce case including all testimony therein and had withdrawn therefrom the testimony of Russell J. Ferraro, Jr., Esquire, attorney for Appellant at the time of divorce proceedings.

The file remains without this testimony as it was in favor of Appellant and would have exonerated him from unethical violation claims if this testimony was revealed during the Bar hearing.

REASONS FOR GRANTING THE WRII

VIOLATION OF CONSTITUTIONAL SEPARATION

OF CHURCH AND STATE

The lower court refuses to recognize the Constitutional Right of Separation of Church and State and thereby is in absolute violation of the United States Constitution as to Due Process. It obviously overlooked paragraph 6 of the Final Judgment of the Florida Court wherein it states "When the parties oldest child was in the third grade, the wife converted to the husband's religion (Judaism) and became active in the Jewish community. The parties' children were raised in the Jewish faith". See Final Judgment, Appendix, p. 4a, infra.

In a Florida State Bar hearing on March 6, 1992, the judge and one of the Respondent conspirators and drafter of the Final Judgment of May 29, 1990, subject of Petitioner's suit, admitted

under oath and on the court's record that he had taken into consideration and had rewarded the Petitioner's former wife (plaintiff in the divorce case) for her conversion to Judaism and for raising the children in the Jewish faith and becoming active in the Jewish community. Kanarek also admitted that he was of the same religion as the former wife, Jewish.

It is blatantly obvious that the Florida judge, being a Jew, interjected his own religious beliefs into the Final Judgment and therefore arbitrarily and capriciously awarded Respondent/ Appellee with vast sums of money and property from appellant for her conversion to the judge's religion. For that matter, the judge rewarded Respondent/Appellee unconstitutionally for merely suggesting any religious

basis involved in his award.

The excerpts of testimony from the Florida Bar hearing on March 6, 1992, reprinted in Appendix hereto, p. 39a, infra, against appellant positively state this. See cross-examination, when the judge was asked and testified:

"Q. Now, Judge, you are of the Jewish religion,..?

A. Yes, sir.

Q. Are you a Jew?

A. Yes, sir.

Q. Turn to page two, paragraph six of the final decree, of the final order.

Q. It says there that "When the parties' oldest child was in the third grade, the Wife converted to the Husband's religion (Judaism) and became active in the Jewish community. The parties' children were raised in the Jewish faith." Isn't that correct?

A. Yes, sir.

Q. Is it normal, sir, to bring your religion into a final decree such as this?

A. The answer is yes, in this circumstance. If I can explain, this was a relatively long-term marriage. The wife was seeking alimony for her contributions. The evidence reflected that the wife during the marriage changed her religion to the husband's; that she raised the children in her husband's religion, and I considered those to be contributions she made toward the marriage..."

This is an absolute violation of the Separation of Church and State, Due Process and Civil Rights of Petitioner/Appellant.

See United States of America v. James O. Bakker, United States Court of

Appeals for the Fourth Circuit, No. 89-5687, published and decided 2-11-91, which is reprinted in the Appendix hereto, p. 32a, infra. This recently reversed Federal Court Appeals case was due to the judge's impermissible considerations when sentencing Reverend James O. Bakker. The court reversed the sentencing due to the judge's abusing his discretion and violating appellant's due process by factoring his own sense of religiosity and victimization into the sentence he imposed.

EXTRA-JUDICIAL RULINGS AND IMMUNITY

The District Court's ruling ignored the wrongful ruling of the lower court in the Final Judgment as rendered in personam against Mr. Steingold and wrongfully "directed" Steingold, a person over whom the Florida Court had personal jurisdiction, to take certain

actions in order to satisfy a judgment. Obviously the court refused to read the Final Judgment of the Florida Court reprinted in the Appendix hereto at paragraph I, p. 29a, infra, wherein it stated "as additional lump sum alimony, the husband shall pay to the wife the sum of One Hundred Thousand Dollars ($100,000.00) which shall be a lien against the husband's interest in the family trust". By this, Kanarek, the Florida judge, adjudged that a lien, extra-judicially ruled, shall be placed against the husband's interest in the family trust by this court. Nothing could be more clear than his ruling which incorporated property which was not within his jurisdiction. Again, the District Court overlooked this extreme extra-judicial ruling.

Kanarek further ruled that the

Virginia trust vested, this ruling determined without having before his jurisdiction the Virginia will of which the Virginia trust was an integral part, the Virginia trust, absolute indispensable necessary parties as to the Virginia executor, the Virginia trustee and the beneficiaries to whom certain contingencies applied pertaining to this trust.

Judges are not immune for complete absence of all jurisdiction. See Bradley v. Fisher, 13 Wall, 351.

In a dissent in Mireles v. Waco, aforesaid mentioned, Justices Stevens, Scalia and Kennedy, made a meaningful dissent by stating that the law is well settled that one state or division therein cannot rule upon the subject property thereto nor can one state determine the rights of necessary

parties whose rights are affected unless they are legally before that court. In the cases of Greisman v. Strapiro, Supreme Court Practice 281 6th Ed. 1986, and Schweiker v. Hansen, 450 U.S. 785, 791, 101 S. Ct. 1468, 1472, 67 L. Ed. 2 685 (1981), and in all future cases, to allow one state to rule upon land or other property within another sovereign state without having before it any of the necessary indispensable parties, and that state's being able to rule upon another state's property which affects the rights of all individuals that are not within the jurisdiction of that particular state, is a usurpation of the latter state's sovereignty and transgresses the constitutional guarantees of individual states, laws and statehood. The Constitution of the United States does not guaranty full

faith and credit to a decree of one state wherein it attempts to usurp the jurisdiction of another state without having property before its jurisdiction, all individuals and property in order to determine property rights and individual rights guaranteed by the Constitution of the United States.

Other Considerations:

At a subsequent Florida Bar Ethics Hearing in March of 1992 against the Petitioner, Petitioner had attempted to retrieve portions of the transcript of the divorce proceedings, only to learn that testimony of several witnesses on his behalf had been mysteriously withdrawn from the file and had not been replaced.

Petitioner learned through the Clerk's Office of the lower court that the divorce file had been withdrawn from

the court several weeks prior to the hearing by Kanarek, the judge who ruled upon the case.

Petitioner also then learned that Kanarek had withdrawn the transcripts of the testimony of Petitioner's former attorney which would have benefitted and exonerated Petitioner during the hearing had said testimony been introduced at the time of the Bar Hearing. See Appendix at p. 50a, infra, as to a letter from Russell J. Ferraro, Jr., Esquire, Petitioner's former attorney, evidencing that he did in fact testify.

By letter of April 22, 1992, Petitioner demanded Kanarek return the divorce file to the lower court Clerk's Office, see Appendix at p. 48a, infra.

By letter of May 11, 1992, from the lower court Clerk's Office, Petitioner learned that Kanarek has requested the

file again so that he can replace the transcripts which he removed prior to the Bar Hearing, see Appendix at p. 52a, infra.

Petitioner's case is based upon the violations of Constitutional Rights by the judicial system. The judge's ruling in the case of James O. Bakker is remarkably similar to Petitioner's even though Bakker's case was criminal in nature. Each case ruling was based upon each judge's personal religious beliefs, and each penalized petitioner by taking away freedom and property without Due Process.

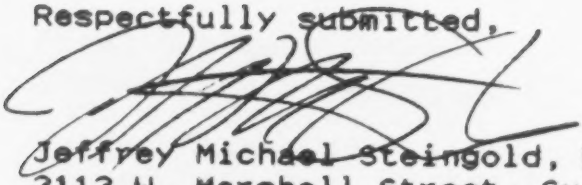
CONCLUSION

For the reasons set forth above, a Writ of Certiorari should issue to review the judgment of the various state courts of Florida, all of which violated Petitioner's Constitutional Rights by

their blatant refusals to examine the evidence, case law, and violations of Petitioner's Due Process Rights.

WHEREFORE, Petitioner respectfully requests this Honorable Court to carefully review this Petition pursuant to the lower court's application of law and cases cited noting that the arbitrary decision is in direct conflict with all prior decisions of the Fourth Circuit Court of Appeals and the Supreme Court of Florida. This Petition must be heard as a matter of great public importance due to the denial of Civil Rights guaranteed by the Constitution of the United States and Bill of Rights therein, and for Petitioner to receive justice by granting this Writ of Certiorari.

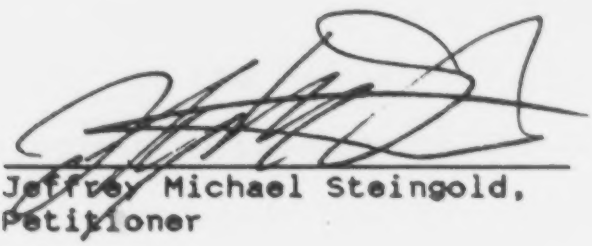
Respectfully submitted,



Jeffrey Michael Steingold, Esquire
3113 W. Marshall Street, Suite 1E
Richmond, Virginia 23230-4720
(804) 358-4818

Certificate

This is to certify that forty (40) copies of the foregoing Petition For Writ of Certiorari was mailed this 26th day of May, 1992, to William Suter, Clerk, Supreme Court of the United States, Supreme Court Building, One 1st Street, N.E., Washington, D.C. 20543-0001, and one copy to counsel for Respondent, Thomas Wackeen, 401 East Osceola, P. O. Box 66, Stuart, Florida 34995.



Jeffrey Michael Steingold,
Petitioner

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Letter from Elsie Hutton, Executive Assistant, Martin County Circuit Court, to Jeffrey M. Steingold, Esquire, dated May 11, 1992, evidencing Kanarek's demand for return of divorce file 52a

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT IN AND FOR
MARTIN COUNTY
STATE OF FLORIDA

In Re: The Marriage of

JEFFREY MICHAEL STEINGOLD

Husband

and

BRENDA BEALE STEINGOLD

Wife

CASE NO 88-782-FD
JUDGE PAUL B KANAREK

FINAL JUDGMENT

THIS MATTER HAVING come on for trial on the Wife's Petitioner for Dissolution of Marriage the Husband's Counter-Petition for Dissolution of Marriage. and the Wife's Motion for Contempt and the Court having heard the testimony of the parties and witnesses and having reviewed the evidence in the case and making the following findings of fact:

1. The marriage between the parties is irretrievably broken.

2. The Wife was a resident of the State of Florida for a period of at least six months prior to the filing of the Petition. The Husband was a resident of the State of Florida for at least six months prior to the filing of the Counter-Petitioner.

3. The trial court is the sole judge of the credibility of the witnesses. Based on the statements made by the Husband, his demeanor while testifying, and his testimony when compared with the other evidence and testimony in the case the Court determines that much of his testimony is not worthy of belief. The Husband has testified that as a result of his heart attack he has a faulty memory however it is clear that he can remember all those facts that are favorable to his position.

4. The parties were married to each other on May 1, 1964 and have two children both of whom are adults and no longer dependant on the parties for support.

5. At the time of the marriage the Husband was a senior in college and the Wife was a freshman. The Husband began law school in 1964 and graduated from St. Mary's Law School in San Antonio Texas in June of 1969. During the time the Husband was in law school the Wife's parents paid the parties rent and the Wife's personal needs. The Husband's family paid for the Husband's schooling and the parties other expenses.

6. After graduation, the Husband went to work for his father's law firm in Richmond, Virginia. The parties lived in Richmond from 1970 to 1984 when

they moved to Florida. During this fourteen year period, the parties owned two homes, the last being a two-story four bedroom home located in a professional neighborhood. The Wife's full-time duties were as housewife and mother. The Husband was the sole provider for the family. When the parties oldest child was in the third grade, the Wife converted to the Husband's religion (Judaism) and became active in the Jewish community. The parties children were raised in the Jewish faith.

7. At the time of the marriage the Wife had completed one year of college. When the parties daughter was in high school, the Wife went back to community college and as of the date of the Final Judgment has almost completed her sophomore year. When the parties moved

to Florida the Wife investigated the possibility of continuing her education however - the nearest four year school was located in Boca Raton the Husband advised that he did not want her to travel The Wife has no substantial skills for gainful employment other than as a teacher's aide Her maximum gross salary as a teacher's aid was $780 74 per month

8 While the parties lived in Virginia the Husband owned a number of airplanes including a Piper Arrow two Piper Turbo-Arrows one Aztec one Beechcraft Baron two Beechcraft Bonanzas a stunt plane and a glider The Husband also owned a number of boats including a 22-foot sailboat and a 40-foot custom Pacemaker yacht During this time the parties traveled extensively

9. Throughout the course of the marriage the parties lived and enjoyed a high life style. In addition to the airplanes and boats described above the Husband had numerous sports cars and a gun collection. The parties lived in nice homes, owned new cars, had good clothing and took three or four vacations a year. The Wife was provided a home account without budget and the Husband earned sufficient income to enable the Wife to remain in the marital home and raise the children in this lifestyle.

10. The Wife does not have the assets, income, or skills to maintain her lifestyle without the economic assistance of her Husband.

11. In 1981, the parties purchased a lot at 8512 S.E. Driftwood, Hobe Sound, in Martin County, Florida, more

particularly described as:

> Lot 24, NORTH HOBE SOUND SHORES according to the Plat thereof recorded in Plat Book 2 Page 49 Martin County Florida public records.

The Husband claims a special equity in this home by virtue of monies which he paid for the real property which came from his inheritance. This property was originally purchased and titled as entireties property and remained so titled except for a short period of time when the Husband conveyed it to the Wife in an attempt to evade possible creditors. The evidence presented by the Husband concerning the monies from inheritance is not believable and the Court determines that the Husband does not have a special equity in this property.

12 The parties have stipulated that the value of the marital home is

$385,000.00. This property is encumbered by a first mortgage in the sum of $75,000.00 (which was used to finance the purchase of an office building) and a second mortgage in the sum of $10,000.00 (used for payment of the first mortgage payment during the Husband's exclusive possession of the marital home).

13. In November of 1986, the parties purchased an office building in their joint names as tenants by the entireties. The funds for the purchase of this property came from a first mortgage on the marital home which was at that time owned free and clear. This property is more particularly described as:

> Part of Lot 13. Beginning at the Southwest corner. Easterly along South line 4.57 feet, North 40. 38' 17" West to canal. Westerly 12 feet more or less to West line. South to

point of beginning, and lot 14 revised Plat of MANATEE BAY SUBDIVISION, as recorded in Plat Book 3, Page 100, Martin County Florida public records.

The parties have stipulated that this property has a value of $165,000.00 and is encumbered by a lien in the sum of $2,819.44 for unpaid real estate taxes.

14 In November of 1986, the Husband purchased a 1976 Hatteras boat for $58,189.22 in cash. There were substantial repairs done to the boat while it was owned by the Husband and on July 23, 1988, he conveyed title to the diesel mechanics in lieu of paying their bill.

15 On September 30, 1988, a temporary Order was entered in this case giving the Husband the temporary exclusive use and possession of the marital home. During this time the home was listed for sale. The Husband, by

his actions and statements made it difficult for realtors to show the house. On several occasions, the Husband precluded the realtor from showing the property. The Husband also failed to properly maintain the yard, the pool, and he failed to pay the mortgage payments and homeowners insurance. The Wife had to borrow monies from her parents to maintain the Home Owners Insurance. As part of the Temporary Order the Husband was also ordered to pay the Wife the sum of $2,000.00 per month as temporary alimony, beginning October 5, 1988, and $2,000.00 in temporary attorney's fees. As of the date of the Final Hearing, the Husband was in arrears in the sum of $29,201.39.

16. The Husband is a licensed attorney with current licenses in both

the State of Virginia and the State of Florida.

17. At the time the Wife moved out of the marital residence she took various items of personal property and furniture from the home.

18. There is extreme amount of animosity between the parties. This animosity has spilled over to the lawyers requiring that the Court order that all pleadings be sent by registered mail return-receipt requested.

19. The Husband's health is in controversy. The Husband suffered a heart attack on September 16, 1988, soon after the filing of the Petition for Dissolution. The Husband's physician has seen him on five occasions since his heart attack. He has testified that the Husband has no physical limitations, but that he continues to complain of angina.

The Husband's doctor is of the opinion that stress is the source of his continuing heart problems and that the only source of stress in the Husband's life is the divorce proceeding. He believes that once the divorce is completed the Husband will be relieved of this stress and should be able to return to work. The Court, upon request of the Wife, appointed a doctor to give the Husband a complete cardiac exam. This doctor verified the existence of the heart attack, but did not reach any additional conclusions regarding the Husband's future work prospects in great part because of the uncooperative nature of the Husband during this examination. Mr. Steingold advised the physician that on advice from his attorney, he would only allow the doctor to perform a physical examine from his waist up. The

Court had the opportunity to observe the Husband throughout the extensive trial and pretrial proceedings. The Husband continually interrupted his lawyer to advise her what objections to make and what questions to ask. The evidence further reflects that the Husband has driven automobiles since his heart attack attended training classes for mediators and worked part-time for his former law partner. The Husband has further sought employment as an attorney in Martin County. Based on all the evidence it appears that the Husband has the capacity to obtain gainful employment as an attorney, but that he has intentionally refused to return to work.

20. The Husband's father, Israel Steingold, died in Virginia in 1980, leaving a will which established a

Marital Trust for his wife and a Family Trust in the event of his wife's death. The Husband's mother died in 1981 thereby activating the Israel Steinmold Family Trust. The only beneficiaries of this family trust were the Husband and his brother Lewis Steinmold. The Husband's half brother Barron Derry was entitled to one half of his mother's estate and after extensive litigation against his half brothers he settled his claims for $450,000.00. From the evidence presented it appears that only the Family Trust still exists. The last accounting for the Family Trust (5th Accounting) was filed in 1988, and covered the period from January 1, 1987 to December 31, 1987. It should be noted that no further accountings have been filed since the filing of this divorce proceeding although two have

been due. The Fifth Accounting shows cash and/or marketable securities in the sum of approximately $990,000.00 and real estate holdings in the sum of approximately $435,000.00 for a total value in excess of 1.4 million dollars. It must be noted that the real estate is valued as of the date of Israel Steingold's death in 1980. The Court heard the testimony of D. L. McKnight, a MAI appraiser to appraised certain parcels of land which are included in the Family Trust and determined their Market Value as of July 31, 1987. These parcels included:

A. 50% interest in lots Woodland, Virginia Beach

B. 14.25% interest in 81.707 acres Indian River Road Virginia Beach

C. 50% interest in 201 Rosemont Road, Lots 1-37

D. 50% interest in Lots 19-36, Block 112, E. Norfolk

The combined increase in value of these

four properties between 1980 and 1987 is $704,644.32. This increased value does not include the remaining five parcels for which the Court could find no appraisals. Lewis Steingold trustee of the Family Trust, testified that he wasn't sure how much cash or property there was in the Trust. He further testified that since 1986, only a small parcel of real property had been sold by the Trust. Based on all of the evidence the Court determines the value of the Israel Steingold Family Trust to be between 2.1 and 3 million dollars. The Husband is entitled to fifty percent of the remaining assets of the trust, having received a portion of the trust in 1986 in the amount of approximately $230,000.00. The Husband's remaining interest is payable to him at age 50 on June 22, 1990. The Court finds the

Husband's interest in the Trust to be vested. The Wife claims that other property should be included as being a part of the Trust however this is a matter of Virginia law and the Court must rely on accounting from Virginia as to what assets are to be included. The Family Trust is a non-marital asset an can be considered only for the purpose of compliance with the temporary ordered for payment of alimony to the Wife income to the Husband, and payment of attorney's fees and costs in this action.

21. In September of 1987, the Husband transferred $100,000.00 which he held in an individual bank account and which had come from his father's estate to an account solely in his Wife's name. The purpose of this transfer was to evade possible creditors. This money

was eventually transferred back into the Husband's account. The evidence shows that the Husband withdrew this $100,000.00 from his account on approximately May 31, 1988. The Husband testified that he took this money in cash, put it in an envelope, took it to Miami one night and gave it to a South American named "Tony" as an investment in Christmas trees. He stated that "Tony" was a client of his attorney Judith Thomas, and that he received no receipt or written agreement in exchange for the cash. The Husband further testified that the Christmas tree deal went sour and that he never recovered any of his money. Tony Curtiellas contradicted the Husband's testimony and stated that he had never invested any money for the Husband. The Husband's story is so incredulous as to be beyond

belief. The check which was used to withdraw the funds from the Husband's account (Petitioners #25 in evidence) shows that it was endorsed by the Husband "For Deposit Only" The Court believes that the Husband has diverted this money and hidden its location from the Court

22 The husband is the owner of a 1987 Porsche 911 vehicle identification number WP0EB0918HS161868 which he purchased during the course of the marriage The car was always titled solely in the Husband's name and has a value of $33,000.00 as based on the Husband's financial affidavit. At the time of the filing of this action this car was owned free and clear. On September 30, 1988, the Court entered a Temporary Order which enjoined the parties from disposing of or concealing

any personal assets in their possession or to dispose or conceal of any assets valued in excess of $500.00 without consent of the other party or a Court order. On September 19, 1988 the Husband executed an Employment Agreement with his law partner for representation in the divorce proceedings. This agreement (Respondents #35 in evidence) was also signed by Amy Steingold the parties daughter. Neither the Employment Agreement nor the signature of Amy Steingold contained any language which would make Amy Steingold a guarantor of the attorney fees. On October 14, 1988, the Husband executed a promissory note to Amy Steingold in the sum of $40,000.00 secured by a lien on his then unencumbered Porsche. A lien was also placed on the title to the car. On December 31, 1989, Amy Steingold

executed an assignment of the $40,000.00 note and mortgage to Judith Thomas counsel for the Husband. This assignment indicated that it would serve as a release of Amy Steingold's personal guarantee of attorney fees however as stated previously the original agreement did not include a personal guarantee by Amy Steingold. The Court finds that these actions by the Husband are an attempt to perpetrate a fraud against the Wife by encumbering one of the only assets of the husband that was free and clear at the time of the filing of this action. The Husband's actions constitute a violation of the Court's Temporary Order by attempting to dispose of this asset.

23. On November 20, 1989, the Court found the Husband in contempt for concealing the Porsche in violation of

the Temporary Order. The Court ordered the Husband to return the car to the former marital home and to make it available to the Wife for inspection. The evidence reflects that at least as early as September 20, 1989 the Porsche was being kept in Virginia (Respondents #56 in evidence). On December 26, 1989 following a hearing, the Court modified the contempt Order of November 20th and required that the Husband not drive the Porsche. There is no evidence in the record to indicate that the husband was without transportation while the Porsche was in Virginia for several months. The Wife subsequently moved to hold the Husband in contempt for driving the car and the Court ruled that this matter would be heard as part of the final hearing. Based on the evidence presented the Court finds that the

husband willfully drove the Porsche in violation of the Court's order of December 26, 1989.

24. The Court finds that the Wife is in need of and entitled to permanent periodic alimony so that she may support herself in a lifestyle comparable with that enjoyed by the parties during the marriage. The Husband has the ability to support himself through the practice of law and he is also entitled to substantial income from his 50% interest in the Family Trust. On June 22, 1990, the Husband has the right to one half of the assets of the Family Trust. Because of the extreme animosity between the parties, the Husbands repeated willful failure to comply with the prior orders of the Court, and the abandonment of his support obligation the Court determines that lump sum alimony payment in lieu of

permanent period payments is necessary and proper in this case.

25. At the time the parties separated they divided certain items of furniture and personal property. Based on the evidence presented at the final hearing the Court cannot determine the relative values of the property taken by each party and as result cannot determine that further division of this property is appropriate or equitable.

It is therefore ORDERED AND ADJUDGED as follows:

A. The marriage between the parties is hereby dissolved and the parties are hereby freed from the bonds of matrimony.

B. The Husband shall, within 30 days of the entry of this Final Judgement, convey to the Wife as lump sum alimony all of his right title and

interest in the former marital home located at 8512 S.E. Driftwood Drive Hobe Sound, Martin County Florida more particularly described as:

> Lot 24 NORTH HOBE SOUND SHORES according to the Plat thereof recorded in Plat Book 3 Page 49 Martin County Florida public records

The Wife shall be solely responsible for all payments on the first and second mortgage and any other liens encumbering this property. The Wife, her attorneys or her agents shall make a complete inspection of the former marital home within 48 hours of the entry of this Order. The Sheriff of Martin County or one of his appointed Deputies is hereby directed to stand by while the inspection is completed. The Husband shall not in any manner impede this inspection.

C. The Husband shall within 30

days of the entry of this Final Judgement convey to the Wife as lump sum alimony all of his right title and interest in his former office located in Martin County Florida more particularly described as:

> Part of Lot 13 Beginning at the southwest corner Easterly along South line 4.57 feet North 40. 38' 17" West to canal Westerly 12 feet more or less to West line, South to point of beginning and lot 14 revised Plat of MANATEE BAY SUBDIVISION, as recorded in Plat Book 3, Page 100 Martin County Florida public records.

The Wife shall be solely responsible for all liens encumbering this property The Wife, her attorneys or her agents shall make a complete inspection of this property within 48 hours of the entry of this Order. The Sheriff of Martin County or one of his appointed Deputies is hereby directed to stand by while the inspection is completed." The Husband

shall not in any manner impede this inspection.

D - The Wife shall have the exclusive possession of the former marital home and the office no later than 30 days from the entry of this Final Judgement.

E The Husband shall be solely responsible for any repairs to the former marital resident (other than normal wear and tear) which are necessary to bring it back into the condition it was in June of 1988. The Husband shall further be solely responsible for any damage caused by him to either the former marital residence or the office which occurs between the Wife's inspection and the date the Wife enters into possession of the premises and the Court hereby retains jurisdiction to determine any such

damage

5 The Husband shall remove all of the furniture and his personal property from the former marital home and the office no later than 25 days from the date of the entry of this Order The Husband shall not remove any drapes window coverings fixtures or appliances from either property without the written consent of the Wife or an Order from this Court.

6. A judgement is hereby entered against Jeffrey Michael Steingold in favor of Brenda Beale Steingold for past due support and attorney fees as required under the terms of the Temporary Order in the sum of $29,201.39, with interest at the rate of 12% per annum, for which let execution issue. The Husband is further Ordered to instruct the trustee of the Family

Trust to pay this judgement on or before June 22, 1990, and said payment shall be made directly to the Wife.

H. The Wife is hereby awarded all the Husband's right, title and interest in the 1987 Porsche free and clear of any encumbrances. The Husband shall deliver the Porsche to a location in Martin County at the Wife's discretion. Said delivery shall be made within twenty-four (24) hours after notice of the location is given to the Husband's attorney. Any costs of repair to the vehicle to bring it back to first class mechanical and body condition shall be at the responsibility of the husband and the Court hereby retains jurisdiction to enforce this Order.

I. As additional lump sum alimony the Husband shall pay to the Wife the sum of $100,000.00 which shall be a lien

against the Husband's interest in the Family Trust. The Husband shall, within five days of the date of this Order file with the Trustee a certified copy of this Order and shall execute all documents necessary to effect this provision.

J. The Wife shall be entitled to the 1988 Toyota, jewelry, furniture and furnishings in her possession. The Husband shall be entitled to the Boston Whaler, his office equipment and furniture, his gun collection, and the remaining furniture and personal property located in the former marital home.

K. The Wife shall be entitled to reasonable attorney's fees and costs in bringing this action and jurisdiction is hereby retained for purpose of setting said fees and costs.

4. This Court hereby enters a mutual permanent restraining order against both of the parties from coming about the other party from this day forward including but not limited to personal calls and visits to the others residence temporary dwelling office and any other location where either party may be present

DONE AND ORDERED in Chambers at Stuart Martin County Florida this 29th day of May 1990

PAUL B KANAREK
Circuit Judge

cc: W Thomas Wackeen, Esq
Judith Thomas, Esq.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 89-5687

UNITED STATES OF AMERICA,
Plaintiff - Appellee,

versus

JAMES O. BAKKER,
Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert D. Potter, Chief District Judge. (CR-88-205-C)

Argued: October 30, 1990
Decided: February 11, 1991

Before PHILLIPS and WILKINSON, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed in part, vacated in part and remanded by published opinion. Judge Wilkinson wrote the opinion, in which Judge Phillips and Senior Judge Butzner joined.

ARGUED: Don Ervin, Houston, Texas; Alan M. Dershowitz, Cambridge, Massachusetts; Brian William Wice, Houston, Texas, for Appellant. Deborah M. Smith, UNITED

STATES DEPARTMENT OF JUSTICE Washington D.C. for Appellee ON BRIEF: Harold Bender BENDER & MATUS Charlotte, North Carolina; Nathan Dershowitz, Cambridge Massachusetts for Appellant. Christopher J. Warner Sara Criscitelli UNITED STATES DEPARTMENT OF JUSTICE Washington D.C.; Thomas J. Ashcraft United States Attorney Terry W. Miller Assistant United States Attorney Charlotte North Carolina for Appellee

---

" Bakker's sentence was proper therefore, as long as the court did not abuse its discretion within pre-Guidelines law.

D

Therein lies the basis for Bakker's final challenge to his sentence. During sentencing the judge stated of Bakker: "He had no thought whatever about his victims and those of us who do have a religion are ridiculed as beings saps from money-grubbing preachers or priests." Bakker contends that these comments reveal that the trial judge

abused his discretion and violated due process by factoring his own sense of religiosity and victimization into the sentence he imposed on Bakker.

Sentencing discretion however must be exercised within the boundaries of due process. See, e.g., Gardner v. Florida, 430 U.S. 349, 358 (1977) (plurality opinion); United States v. Safirstein, 827 F.2d 1380, 1384-87 (9th Cir. 1987). In this case, the trial judge exceeded those boundaries. Courts have held that sentences imposed on the basis of impermissible considerations such as a defendant's race or national origin, violate due process. See, e.g., United States v. Borrero-Isaza, 887 F.2d 1349, 1352-57 (9th Cir. 1989); United States v. Gomez, 797 F.2d 417, 419 (7th Cir. 1986) (sentencing more harshly based on nationality or alienage

"obviously would be unconstitutional ")

While these cases focused on a defendant's characteristics we believe that similar principles apply when a judge impermissibly takes his own religious characteristics into account in sentencing.

Our Constitution of course does not require a person to surrender his or her religious beliefs upon the assumption of judicial office. Courts however cannot sanction sentencing procedures that create the perception of the bench as a pulpit from which judges announce their personal sense of religiosity and simultaneously punish defendants for offending it. Whether or not the trial judge has a religion is irrelevant for purposes of sentencing. Regrettably, we are left with the apprehension that the imposition of a

lengthy prison term here may have reflected the fact that the court's own sense of religious propriety had somehow been betrayed. In this way we believe that the trial court abused its discretion in sentencing Baker. Consequently, the sentence is vacated and the case is remanded for re-sentencing. This resentencing will be carried out by a different district judge to ensure that the ends of due process are achieved. See, e.g., United States v. Diamond, 561 F.2d 557, 559 (4th Cir. 1977)."

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH DISTRICT
P.O. BOX A, WEST PALM BEACH FL 33402

JEFFREY M. STEINGOLD CASE NO. 91-00577
Appellant(s)

vs.

BRENDA BEALE STEINGOLD L.T. CASE NO. 88-
Appellee(s). 782 FS MARTIN

November 26, 1991

BY ORDER OF THE COURT:

ORDERED that appellee's motion filed July 15, 1991, to dismiss is granted and the above-styled appeal is hereby dismissed.

I hereby certify the foregoing is a true copy of the original court order

Marilyn Beuttenmuller

MARILYN BEUTTENMULLER
CLERK

cc: Jeffrey M. Steingold
Marsha Stiller, Clerk
Tom Wackeen, Esquire

/CH

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)
SUPREME COURT CASE NO. 77,912
FLORIDA BAR CASE NO. 91-30,038(19A)

THE FLORIDA BAR

Complainant

vs. EXCERPT

JEFFREY M. STEINGOLD

Respondent
/

- - -

COURT REPORTER'S TRANSCRIPT OF
PROCEEDINGS BEFORE
THE HONORABLE KAREN L. MARTIN

- - -

West Palm Beach, Florida
Friday, March 6, 1992
9:07 a.m. - 5:25 p.m.

APPEARANCES:

DAVID G. MCGUNEGLE, ESQUIRE
The Florida Bar
880 North Orange Avenue
Suite 200
Orlando, Florida 32801-1085
On behalf of the Complainant

JEFFREY M. STEINGOLD, ESQUIRE, PRO SE
(VIA TELEPHONE)
3113 West Marshall Street
Suite 1E
Richmond, Virginia 23230

" Now Judge you are of the Jewish religion are you not?

A Yes sir

Q Are you a Jew?

A Yes sir

Q It says there that "When the parties' oldest child was in the third grade the Wife converted to the Husband's religion (Judaism) and became active in the Jewish community. The parties' children were raised in the Jewish faith." Isn't that correct?

A Yes sir

Q Thank you

Is it normal, sir, to bring your religion into a final decree such as this?

THE WITNESS: The answer is yes, in

this circumstance. If I can explain this was a relatively long-term marriage. The wife was seeking alimony for her contributions. The evidence reflected that the wife during the marriage changed her religion to the husband's; that she raised the children in her husband's religion and I considered those to be contributions she made toward the marriage and those factors that I think -- I think that's a contribution she made to the marital relationship.

Q. Okay. Why then in your final order did you indicate that the trust had vested?

A. Because I believed under the law the trust had vested.

Q. Let me ask you this. Was the trust a Florida trust or a Virginia trust?

A I believe it was a Virginia trust...

Q Was the will a Virginia trust or a Florida trust?

A I believe that this was probated and the trusts were in Virginia and I think Virginia Beach.

Q How about the rec trust rec was that in Virginia or was that elsewhere?

A I really don't know whether they were in Virginia Maryland, Washington...

Q. But they weren't in Florida, were they?

A No, sir.

Q. The beneficiaries, they were not in Florida either, were they?

A. Well, you were and I had personal jurisdiction over you.

Q. You had personal jurisdiction

over me but did you have jurisdiction over the trust?

A I never ordered the trust to do anything.

Q You determined that the trust had vested?

A Yes sir and I made that finding in the final judgment.

Q When I became fifty years of age on June twenty-second, 1990; isn't that correct?

A Whatever the final judgment reflects as to whether I said there was a particular date it vested.

Q. Uh-huh. And yet I was not yet fifty years old then, was I, when your final decree was made; isn't that correct? Isn't that correct?

A. Well, if your birthday -- if you turned fifty on June the twenty-second, the final judgment is dated May

the -- it looks like the twenty-ninth

Q. Do you recall the testimony of Mr Rogers, the CPA, the only CPA the only expert in the case as far as the trust is concerned?

Q Let me refresh your memory On page three twenty-four line seventeen "Question: Based on the tax interest of Mr Steingold and the remainder of the trust for tax purposes is this a contingent remainder under the definition of IRS?" The witness said, "Under the IRS estate rule, since his interest is contingent on him reaching age fifty and he has no rights, the trust would not be included in his estate until he reaches fifty."

Do you recall that or did you conveniently forget that also?

A Mr. Steingold, as I said before, if that's what the witness said,

that's what the witness said. As I recall what you just read is he was referring to how the IRS considered matters for the purpose of tax purposes

"

CERTIFICATE OF REPORTER

IN THE STATE OF FLORIDA)
)
IN THE COUNTY OF PALM BEACH)

I Charla (Niki) Williams Certified Verbatim Reporter Notary Public State of Florida at Large

DO HEREBY CERTIFY that the foregoing and annexed pages, numbered 1 through 24 inclusive, is a true and correct transcription of the excerpted proceedings had in the aforesaid cause Supreme Court Case No. 77 912, before the Honorable Karen Martin, Presiding Referee on the 6th day of March, 1992

I FURTHER CERTIFY that I am not related to or employed by any of the

parties or their counsel nor am I interested in the outcome of this action.

SUPREME COURT OF FLORIDA

THURSDAY, MARCH 19, 1992

JEFFREY MICHAEL STEINGOLD,
Appellant,

v

BRENDA BEALE STEINGOLD,
Appellee.

CASE NO. 79,156

District Court of Appeal,
4th District - No. 91-00577

Appellant's Motion for Reinstatement filed in the above cause is hereby denied.

OVERTON, Acting C.J., BARKETT, GRIMES, KOGAN and HARDING, JJ., concur

A True Copy

TEST:

Sid J. White
Clerk, Supreme Court

TC
CC: Hon. Marilyn N. Beuttenmuller, Clerk
Hon. Marsha Stiller, Clerk
Hon. Paul B. Kanarek, Judge
Mr. Jeffrey M. Steingold, Esquire

SUPREME COURT OF FLORIDA

JEFFREY MICHAEL STEINGOLD

Appellant/Petitioner.

Vs.

BRENDA BEALE STEINGOLD

Appellee/Respondent.

Case No. 79,156
District Court of Appeal
4th District - No. 91-00577

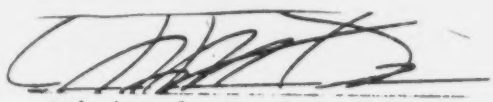
NOTICE OF APPEAL

COMES NOW Appellant Jeffrey Michael Steingold and appeals the decision of the Supreme Court of Florida as to his motion for reinstatement filed in this cause. said appeal to the Supreme Court of the United States

Jeffrey Michael Steingold, Appellant
Pro Se

Certificate

I hereby certify that a true copy of the foregoing Notice of Appeals was mailed this 10th day of April, 1992, to William Suter, Clerk, Supreme Court of the United States, Supreme Court Building, One 1st Street, N.E. Washington, D.C. 20543-001, and to Thomas Wackeen 401 East Osceola Street Stuart Florida 34996.



Jeffrey Michael Steingold, Esquire

Law Offices
Attorneys and Counselors at Law

Jeffrey M. Steingold
Suite 1E
3113 West Marshall Street
Richmond, Virginia 23230-4720
(804) 358-4818
Fax (804) 257-5513

LICENSED IN VIRGINIA AND FLORIDA

April 22 1992

Paul B Kanarek
P O Box 336
Vero Beach Florida 32961

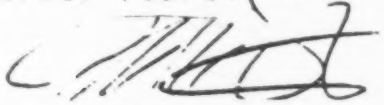
Re: Brenda Beale Steingold v.
Jeffrey Michael Steingold
LT Case No. 88782FS

Dear Mr. Kanarek:

It is my understanding from the Circuit Court of Martin County that you are in physical possession of the above-styled file and have refused to return the same to the Martin County Courthouse.

Your obvious goal in retaining the file is to protect yourself from other individuals being able to secure testimony therefrom for appeal purposes in my case. I demand that you immediately return this file to the Martin County Circuit Court as you have absolutely no reason to have or retain the same at this time.

Very truly yours,



Jeffrey M. Steingold

JMS/bb
cc: Supreme Court of Florida
(Reference Case No. 91-30,038 (19A)

LAW OFFICES OF

LEWIS, BERGER & FERRARO

ATTORNEYS AND COUNSELORS AT LAW

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

1115 EAST OCEAN BLVD.
STUART, FLORIDA 34996
(407) 286-7881
FAX (407) 288-2013

1531 S. E. PT. ST. LUCIE BLVD.
PORT ST. LUCIE, FL 34952
(407) 335-1996
FAX (407) 335-1996

J. D. LEWIS, III, ESQ., P.A.
TRIAL PRACTICE-
PERSONAL INJURY AND
WRONGFUL DEATH
MARITAL AND FAMILY LAW

BRUCE D. BERGER, ESQ., P.A.
TRIAL PRACTICE-
PERSONAL INJURY AND
WRONGFUL DEATH

RUSSELL J. FERRARO, JR., ESQ., P.A.
BOARD CERTIFIED-
MARITAL AND FAMILY LAW
TRIAL PRACTICE-CRIMINAL LAW

TIM TRIBAULT, CLA., LPD
PARALEGAL/INVESTIGATOR

PLEASE REPLY TO:

April 30 1992

Jeffrey M Steingold Esquire
Suite 1E
3113 West Marshall Street
Richmond, Virginia 23230-4720

Re: Steingold vs. Steingold
Case No. 88-782 FS; Martin
County, FL

Dear Jeff:

I am in receipt of your letter dated April 22, 1992 wherein you requested a letter from me setting forth the substance of my testimony on your behalf at trial.

Unfortunately, I have moved my offices and any notes I would have had on this matter did not survive the move, and I do not have any independent

recollection of what I testified to at trial. Perhaps your attorney at trial would have some records or the Judge's notes would be of assistance to you.

Very truly yours,

Russell J. Ferraro, Jr.

RJF:dmb
Steingold.LC

MARSHA STILLER

Clerk of the Circuit Court • Martin County • Florida

P.O. BOX 9016 • STUART, FLORIDA 34995 • (407) 288-5718

FAX MESSAGE - 804-358-4818

May 11 1992

Jeffrey M Steingold
3113 West Marshall Street Suite 1E
Richmond Virginia 23230-4720

RE: CONFIRMING PHONE CONVERSATION MAY 11 1992 REGARDING PORTIONS OF TRIAL TRANSCRIPT - (STEINGOLD) 88-782FS

Dear Mr Steingold

This is to confirm our telephone conversations (2) this morning.

I phoned to tell you that I spent several hours going through the transcripts of your trial and have not located Mr. Ferraro's testimony. I am not stating that it isn't there - only that I did not locate it. I also erroneously told you that Aileen Loucks was the clerk in the trial and recalled the testimony.

After speaking with you, I spoke with Aileen again to insure that my report to you is accurate. I called you back immediately to report that I had been under the false impression she had worked the trial because (when she noticed me thumbing through transcripts had asked in passing what case I was working on) she recalled the case.

Her response to my verification query was that... she was on a recess from the other courtroom, went into your courtroom to wait and heard that you had to give your wife the Porsche on your birthday. That stuck in her mind - but she does not specifically recall any testimony or people in the room.

Sincerely

Elsie Hutton

Elsie Hutton
Executive Assistant

C: Aileen Loucks, D.C.
Court Administrator - Via a copy of this letter, I am requesting the Court Administrator to please pick up the file and return it to Judge Kanarek.